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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/772,132	01/29/2001	Robert Gagnon	4135-4000	8508
27123	7590	01/26/2005	EXAMINER	
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			CHOWDHURY, AZIZUL Q	
			ART UNIT	PAPER NUMBER
			2145	

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/772,132	GAGNON ET AL.
	Examiner Azizul Choudhury	Art Unit 2145

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 16 September 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-60 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-60 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 29 January 2001 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All
  - b) Some \*
  - c) None of:
    - 1) Certified copies of the priority documents have been received.
    - 2) Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    - 3) Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12/13/02, 10/18/04.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

***Detailed Action***

This office action is in response to the amendment received on September 16, 2004.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-60 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Hanson et al (US Pat No: US006546425B1), hereafter referred to as Hanson.

1. With regards to claims 1, 8, 10, 11, 13-15, 22-31, 33, 34, 37, 38, 42-45, 51-57 and 59-60, Hanson teaches a method for providing access through a wireless device to a user's computer or network comprising: receiving a request from the wireless device that is using a communication protocol of either WAP or I-Mode that are incompatible with each other; detecting the type of device performing the request; determining the software being used for access; determining the network service being used by the wireless device; establishing a connection between a controller and the user's computer; interpreting the request from the device; sending the request to the user's computer in the appropriate format; receiving a response from the user's computer; translating the response into the appropriate language for the wireless device; and

Art Unit: 2145

sending information received from the user's computer to the device in the appropriate language compatible for the wireless device in either WAP or I-Mode regardless of the type of wireless device, language, or protocols used (Hanson discloses a design that allows a user to perform tasks on a stationary computer from a wireless device and obtain the result on the wireless device (column 2, lines 45-53, Hanson) (column 3, lines 62-67, Hanson). Hanson's design allows for a variety of transport protocols (column 4, line 22, Hanson) (column 5, lines 3-7, Hanson), hence the claimed data transmission steps are accounted for within Hanson's design disclosure. In addition, Hanson's design is able to cater to a number of devices and users (column 4, lines 45-47, Hanson), hence means by which to determine the network, software and hardware being used, as claimed, are present within Hanson's design. Furthermore, security means (column 4, line 45, Hanson) along with authentication means (column 5, lines 60-63, Hanson) are present within Hanson's design as well. Hanson's design also ensures wireless devices maintain their connections through various means (column 2, line 54 – column 3, line 33, Hanson) including, allowing for momentary lapses in connection without terminating sessions (column 5, lines 36-40, Hanson). Plus, Hanson's design's interconnectivity is built on standard transport protocols (column 4, lines 41-42, Hanson). It is able to handle a wide array of protocols, including wireless protocols since wireless devices are used in the design. The claimed WAP or I-Mode are standard protocols and are acceptable. In addition, each protocol requires the use of a different "language" as claimed. Furthermore, the devices are able to communicate with each other and various communication protocols (languages) are acceptable,

hence it is inherent that the claimed wireless language and protocol traits are present within the design. Finally, Hanson's design deals with computing devices for both the stationary and wireless devices (Figure 1, Hanson). This means that inherent features such as storage means, software, hardware and other features found within computing devices are present within Hanson's design).

2. With regards to claims 2, 32 and 39, Hanson teaches the method wherein the information includes data and software application resident at the user's computer (Hanson discloses a design that allows a user to perform tasks on a stationary computer from a wireless device and obtain the result on the wireless device (column 2, lines 45-53, Hanson) (column 3, lines 62-67, Hanson). In addition, Hanson's design is able to cater to a number of devices and users (column 4, lines 45-47, Hanson), hence means by which to determine the network, software and hardware being used, as claimed, are present within Hanson's design).

3. With regards to claim 3, Hanson teaches a method for providing access through a wireless device to a user's computer comprising, sending user verification information in response to a log-on request from a wireless device; authenticating the wireless user to permit access to a controller; detecting format parameters of the wireless device that includes any communication protocols of either WAP or I-Mode; and sending information to the wireless device from the user's computer in an appropriate language compatible for the wireless device in either WAP or I-Mode regardless of the type of

Art Unit: 2145

wireless device, language, or protocols used (Security means (column 4, line 45, Hanson) along with authentication means (column 5, lines 60-63, Hanson) are present within Hanson's design as well. Hanson's design also ensures wireless devices maintain their connections through various means (column 2, line 54 – column 3, line 33, Hanson) including, allowing for momentary lapses in connection without terminating sessions (column 5, lines 36-40, Hanson). Plus, Hanson's design's interconnectivity is built on standard transport protocols (column 4, lines 41-42, Hanson). It is able to handle a wide array of protocols, including wireless protocols since wireless devices are used in the design. The claimed WAP or I-Mode are standard protocols and are acceptable. In addition, each protocol requires the use of a different "language" as claimed. Furthermore, the devices are able to communicate with each other and various communication protocols (languages) are acceptable, hence it is inherent that the claimed wireless language and protocol traits are present within the design).

4. With regards to claim 4, Hanson teaches the method further including establishing a connection between the controller and the user's computer (Hanson's allows for the use of a number of protocols to be used for data transfer (column 4, line 42, Hanson). In any of the protocols though, it is inherent that the connections are made between the controllers of the two communicating devices).

5. With regards to claims 5, 9 and 35, Hanson teaches the method further including storing information for access by the user's wireless device when connection to the

Art Unit: 2145

user's computer is not established (Hanson's design accounts for wireless devices momentarily losing their connections, various accommodations are provided to allow communication to resume including queuing (storing) (column 3, lines 16-33, Hanson)).

6. With regard to claims 6, 16 and 40, Hanson teaches the method further including transmitting manipulated information to the user's computer when a connection to the user's computer is established (Hanson's design allows for data to be transferred in various protocols (column 4, line 42, Hanson). When data is transferred, it must be manipulated).

7. With regards to claims 7 and 36, Hanson teaches the method further including storing manipulated information until a connection to the user's computer is established (Hanson's design allows for TCP/IP (column 4, line 42, Hanson) which ensures connections are established and that data is transferred properly. If connections are not established, data will not be transferred and instead will be held until the connection is established).

12. With regards to claim 12, Hanson teaches the method wherein the request receiving further includes receiving requests in any language (Hanson's design allows for a number of interfaces for the user (column 10, lines 47-54, Hanson). Since user interfaces are present, it is inherent that any language is applicable to the design).

Art Unit: 2145

17. With regards to claims 17 and 46, Hanson teaches the method further including encrypting transmissions between the wireless device and the user's computer (Hanson's design allows for encryption (column 4, lines 35-37, Hanson)).

18. With regards to claims 18 and 47, Hanson teaches the method further including notifying a user when access to the user's computer is attempted (Hanson's design allows for alerting means (column 23, line 14, Hanson)).

19. With regards to claims 19 and 48, Hanson teaches the method further including recording time and date information of access attempt to the user's computer (Hanson's design allows for logging (column 23, lines 13-14, Hanson)).

20. With regards to claims 20 and 49, Hanson teaches the method wherein the application of logic further includes using plug-ins (Hanson's design uses computers, the use of plug-ins to enable the features of Hanson's design as inherent).

21. With regards to claims 21 and 50, Hanson teaches the method wherein the plug-ins are specific to the type of application which access is desired from the user's computer by the wireless device (Hanson's design uses computers, the use of plug-ins to enable the features of Hanson's design as inherent. This includes the fact that the plug-ins are specific to the type of applications being used).

Art Unit: 2145

41. With regards to claim 41, Hanson teaches the method wherein the manipulated data is sent back to the user's computer for storage (Computers have storage and transmitted data must be stored in storage based on any data transport protocol so that it may be handled properly).

58. With regards to claim 58, Hanson teaches the computer readable medium further including code for storing user manipulated information on the user's computer through the wireless device (Hanson's design uses computers which inherently possess storage means. Hanson's design has the wireless device make requests to a stationary device and obtain results from those requests from the stationary device (column 2, lines 45-53, Hanson) (column 3, lines 62-67, Hanson). Since the results are within the stationary device, the stationary device stores the results due to the wireless device's requests. Hence the claimed steps are performed within Hanson's design).

### ***Remarks***

After careful review of the amendment, the examiner believes that the amendments and the arguments are not fully persuasive. The design being claimed is not considered to be novel. Most of the steps and processes within the claims are present within most remote procedure call (RPC) designs. This is particularly true of the steps involving establishing a connection between a wireless device and a stationary device. The steps regarding wireless protocols and a variety of protocols being supported are disclosed by the Hanson prior art. In addition, security means such as

Art Unit: 2145

encryption means (column 4, line 45, Hanson) (column 5, lines 60-63, Hanson) are also supported by the design. Furthermore, it is important when analyzing a prior art, to take into account the spirit of the design along with the literal interpretation of the design. When done so, it is the examiner's belief that the claimed invention does not overcome the Hanson prior art.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Azizul Choudhury whose telephone number is (571) 272-3909. The examiner can normally be reached on M-F.

Art Unit: 2145

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey can be reached on (571) 272-3896. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AC

  
JACK D. HARVEY  
SUPPLEMENTAL EXAMINER